

**DRAFT DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT**  
**SWAUK PINE RESTORATION PROJECT**  
**U.S. FOREST SERVICE**  
**OKANOGAN-WENATCHEE NATIONAL FOREST**  
**CLE ELUM RANGER DISTRICT**  
**KITTITAS COUNTY, WASHINGTON**

## **INTRODUCTION**

The Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Swauk Pine Restoration Project, hereby incorporated by reference, was prepared in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations

## **PROJECT LOCATION**

The Swauk Pine Restoration Project is located in the Swauk Creek drainage, ten miles northeast of Cle Elum, in Kittitas County, WA. The legal description of the proposed treatment area is Sections 17-21 and 29-31, T. 21 N., R. 18 E. Sections 23-26 and 35-36 T. 21 N., R. 17 E.; and Sections 1-2, T. 20 N., R. 17 E. : *Willamette Meridian*.

The Swauk Pine Project Area is 6,484 acres in size. It encompasses 287 acres of private land that will not be treated, and 6,197 acres of National Forest System land. The project area comprises 2% of the Taneum Creek-Yakima River watershed and 16% of the Upper Swauk Creek sub-watershed. It encompasses all of the Lion Gulch and Cougar Gulch drainages and part of the Williams Creek drainage.

The main Forest System roads (FSRs) within the project area include the Lion Gulch Road (FSR 9712000), and the Cougar Gulch Road (FSR 9718000). The paved county road to Liberty and Durst Creek Road (FSR 9705000) provide the most direct means of access from Highway 97. Forest System roads in the planning area total 50.1 miles (40.5 miles open to public use). In addition, there are 9.8 miles of unauthorized road that are not maintained or needed by the Forest Service. Non-system roads (private, county, and BLM roads, public rights-of-way, and non-system roads on National Forest with an authorized use) total 7.2 miles. When all roads are combined (67 miles), the total road density within the planning area is 6.7 mi / sq. mi.

There is year-round dispersed recreation in the Project Area, include camping, mining, hiking, hunting, 4 wheel driving (4WD), horseback riding, and snowmobiling. With 6.4 miles of Forest System jeep trail plus 1.9 miles of Forest System road that is dual use (both road and jeep trail), the Project Area is a popular destination for 4WD enthusiasts. There are also 18 miles of groomed snowmobile trail (FSRs 9712000, 9718000, and 970500). There are no developed campgrounds but dispersed camping occurs along many roads.

## BACKGROUND

The intent of this project is to implement the 2012 Okanogan-Wenatchee National Forest Restoration Strategy by treating areas in need of vegetation and aquatic restoration actions (based on landscape and stand-level restoration ecology principles). This restoration strategy evolved in response to continuing large-scale uncharacteristically severe wildfires and insect outbreaks and wide-spread loss of late-successional and spotted owl habitats. The project lies within the Swauk Late Successional Reserve (LSR) and was selected due to the high risk of habitat loss from uncharacteristically severe fires, the dry forest restoration need, the high ratio of Wildland Urban Interface, and the relatively low ratio of northern spotted owl use.

An EMDS (Environmental Management Decision Support Tool) analysis was completed for the watershed. The model was used to compare the current forest structure and cover condition to historical and future conditions. The analysis showed a landscape that was over 100% departed in young forest structure, for both historical and future conditions. Because the historical structure was self-regulating and resilient to fire, the highly departed condition puts most of the Swauk LSR at high risk to stand replacement fire.

In addition, these same dense forest conditions have created overly abundant and connected spruce budworm habitat that has reduced the quality of northern spotted owl habitat through the defoliation of layered forest structure. Thinning and under-burning treatments are needed to restore a resilient forest structure that is permeable to fire, tolerant of surface fires, and can quickly recover from fire with green tree seed sources and shade sources that survive a fire.

The Swauk Pine Project Area represents a degraded watershed due to a connected road and stream network. Harvest history, active mining, recreation, OHV trails, road density, and stand replacement wildfire has created a degraded watershed condition. Currently the watershed is not functioning properly for sediment hazard, temperature, stream channel, bank stability, floodplain connectivity, and base flow recharge. Habitat for Mid-Columbia basin steelhead, a threatened and endangered species, exists in the watershed and just downstream. Watershed restoration is needed to improve steelhead habitat and water quality.

## PURPOSE & NEED

The primary purpose of the Swauk Pine Project is two-fold:

1. Improve resilience to wildfires and other disturbances by returning the forested landscape to a state that is within or closer to the historic range of variability (HRV), and
2. Improve the resilience and function of aquatic systems that have been degraded by previous and ongoing human actions (harvest, mining, road construction, and dispersed recreation).

The need for vegetation treatments include:

- Interrupt fire flow paths (that is, create fuel breaks) to better protect areas of moist late successional forest, including current and future spotted owl habitat;

- Protect and conserve existing high value spotted owl habitat, and culture old forest multi-story (OFMS, that is, future high value habitat) on northerly slopes and valley bottoms;
- Reduce the over-abundance of young forest multi-storied structure (YFMS), and culture larger patches of open forest dominated by large old ponderosa pine (OFSS), particularly on upper and southerly slopes;
- Increase the distance between patches with moderate and high running crown fire risk by thinning;
- Restore ecological processes dependent on fire and help re-establish a mixed severity fire regime, by reintroducing fire.
  - Where appropriate, conduct maintenance burns in areas burned by wildfire in 2012, targeting only those stands with a Desired Future Condition (DFC) of old forest single-story (OFSS);
  - Regenerate declining aspen stands on the north side of Dunning Meadow, using prescribed fire;
- Maintain fine-scale (within stand) structural diversity using variable density thinning techniques and retention of clumps and gaps;
- Create options for safe burn out/suppression operations in the event of wildfire;
- Better protect the few patches of old forest multi-storied structure (OFMS).
- Culture larger patches of OFMS structure;
- Retain all old trees as defined by Van Pelt (2008), and additional large trees as needed to meet or exceed current policy described in the 2012 Restoration Strategy;
- Reduce fire risk and provide forest products where ecologically appropriate and feasible. The project is located in the Tapash Collaborative Forest Landscape Restoration (CFLR) Area—designated by the Secretary of Agriculture as a priority landscape for restoration. Under Public Law 111-11 (2009).

The need for watershed restoration treatments include:

- Reduce total amount of roadbed within Riparian Reserve;
- Remove man-made impingements to surface and subsurface flows;
- Restore large wood in existing channels to dissipate flood energy while accommodating the volume of water and debris within the existing flood prone width (that is, maintain the natural sediment and flow regimes);
- In areas where streams have down cut, raise streambed elevations to connect with stream floodplains;
- Increase flood stage and frequency of floodplain inundation during 2 to 10 year flood events;
- Engage side channels and flood prone areas in the valley bottom with overbank flood discharges;
- Restore shallow groundwater recharge within riparian areas by de-compacting soils;

- Restore thermal regime where cooler shallow groundwater returns to the channel;
- Restore channel habitat complexity with increased pool formation and cover habitat;
- Restore riparian vegetation, including cottonwood communities, through restoration of floodplain processes.
- Remove barriers to aquatic organism (fish) passage at road stream crossings.

## DECISION AND RATIONALE

Based upon my review of all alternatives, I have decided to implement Alternative 2 - Revised Proposed Action. My decision meets the requirements of the National Environmental policy Act (NEPA) and follows management direction of both the Wenatchee Forest Plan (1990 WFP) Standards and Guidelines, and the Record of Decision for the Northwest Forest Plan (1994 NWFP). The rationale for my decision is further discussed below and considers public comments (EA, pg 21) and issues (EA, pg 23) along with the effects analysis associated with all applicable resources (EA, Chapter 3, pg 64-203).

My decision for selecting the modified version of Alternative 2 involved balancing several considerations, including which alternative or combination of treatments best supports the purpose and need for action for the present and future generations, and the project objective described in the Swauk EA for management of wildland urban interface at the same time maintaining healthy watersheds and effective wildlife habitat; protecting residual vegetation; providing for public health and safety; maintaining roads and trails adequate for resource and recreation management needs for the present and future generations while minimizing effects to aquatic habitats; minimizing adverse impacts to the grazing permittee; and reducing the risk of increased invasive species populations.

In response to the purpose and need for vegetation, Alternative 2 - Revised Proposed Action was developed, and this decision now authorizes the following actions: Commercial Thin and Underburn (1253 ac.) and all temporary road construction and haul route maintenance associated with the commercial harvest of these acres, Prescribed Fire (2815 ac.), Riparian Large Wood Enhancement (225 ac.), Protect Legacy Trees (509 ac.), Non-commercial thin (21 ac.), Mastication thinning (91 ac.), and Aspen regeneration (18 ac.), tree planting, and danger tree management. A more detailed description of these actions is located in the Final Swauk Pine EA, (pp 34-45).

Prescribed burning will require 1.3 miles of fire line construction, 29 acres of prescribed burning is planned in the Lion Rock Inventoried Roadless Area, and 436 ac. of prescribed fire in the Lion Rock Potential Wilderness Area. Burning treatments may employ use of helicopters for ignition. Maintenance under-burning is planned in the future as fuels and vegetation accumulate after the initial treatment.

In response to the purpose and need for road management and aquatics, Alternative 2 - Revised Proposed Action was developed, and this decision now authorizes the following actions: road decommissioning - all (18.75 mi.), installation of road closures (.9 mi.), riparian dispersed

recreation site hardening (5 ac.), in stream large wood enhancement (226 ac.), road redesign to avert riparian impacts (1 ac.), flood dispersion structures (.5 mi.), aquatic organism passage (AOP) improvements on 12 sites. Thinning and under burning activities will treat 1360 ac. in dry forest on the outer fringe of riparian reserves.

This decision will also allow for FSR 9712-112 to be temporarily reopened and utilized for commercial harvest activities, along with the temp roads identified in order to skyline log Unit 73.

In response to a motorized recreation need, a motorized recreation component is also part of my decision. Alternative 2 - Revised Proposed Action will reduce the unauthorized trail network by 3.16 mi., but add in a loop trail system on FSR 9712-000 that will expand the authorized trail network 12.75 miles, some of this (10.06 mi.) on existing roads. However, this decision does not completely designate the dual-use aspect necessary to complete a portion of this trail. That will be a separate, Forest Supervisor decision, which will be forthcoming, upon the completion of the dual-use roads analysis.

My decision will also restore parts of the OHV/Jeep trail system, and build a durable route (#1) in the Hill Climb Restoration Area, linking AWD339 and AWD332 (EA p. 52, Fig. 9). This action will require user compliance and education, Appendix M of the EA outlines a course of action with the public to educate, build support, and work collaboratively to maintain the trail system.

When compared to the other alternatives, Alternative 2 - Revised Proposed Action will treat approximately 4700 acres in a manner that is consistent with Late Successional Reserve (LSR) guidance. A total of 1270 acres of late successional forest will be left untreated because these acres are already at the desired future condition. Treatment in the mixed conifer type will grow into old forest multi-storied in approximately 30 years (Swauk Pine LSR Consistency Review, 2018).

Alternative 2-Revised Proposed Action best meets the aquatic and hydrologic purpose and need in comparison to the No Action Alternative (Alternative 1). However, I find that the Proposed Action (Alternative 2-Revised) will better meet the overall purpose and needs of the project (described below and further in the EA pgs. 9-15) while striking a balance with other resource considerations. Comments from the public and consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services) especially, resulted in a modification of commercial harvest units as two units were dropped along with the associated infrastructure needs to include elimination of 0.07 miles of new temp road construction and 14 landings that would have been needed to harvest those acres for high quality owl habitat. I have decided to eliminate 0.39 miles of new road construction in order to address concerns that were brought forth by a miner whose mining claim would be impacted with the initially proposed new construction, and instead the original route will be repaired to address aquatic concerns while still meeting the needs of the miner. In order to address many of the road concerns that were brought up in comments (39% of comments received focused on decommissioning of the road and trail network) my team and I discovered that there was an opportunity to integrate and reconstruct a 2.0 mile route of closed and unauthorized roads and trails, and add this to the

official trail network. Additional changes from the Draft EA and rationale is described in the EA on page 24.

It is important to remember that restoration takes time and that objectives might not be fully met immediately after initial treatments. For example, forested ecosystems that are resilient to disturbance often include large, fire-tolerant trees which take many years to develop. Restoration activities are planned to set landscapes on successional trajectories that lead to desired future conditions. Additional under-burning of treated areas is planned to take place 10-15 years after the initial fuel treatments.

## OTHER ALTERNATIVES CONSIDERED

Federal Agencies are required by NEPA to explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Eight alternatives were considered in response to issues raised during scoping, but were eliminated from detailed study for reasons listed in Table 1 below. The public did not identify significant issues in the scoping or EA comment period, so no additional alternatives were developed in response.

**Table 1: Alternatives considered then eliminated from detailed study. Scoping reference no. is from the external comment analysis spreadsheet, located in the project file.**

Scoping Ref. No.	Alternative Considered	Rationale for Alternative Elimination
40	Treat only with prescribed fire to eliminate need for temporary roads.	High risk for undesirable fire effects (loss of legacy trees, loss of diversity) in denser stands.
IDT	Treat all burned forest in the PWA and IRA with prescribed fire (a maintenance burn).	Would reduce residual trees, snags, and logs in the post-fire stand, and eliminate new undergrowth, moving some stands away from DFC.
IDT	Salvage burned trees in PWA and IRA, after the 2012 fires, for economic benefits.	Would require temporary road construction in PWA and IRA. Also, DFC for some burned forest is dense old forest structure with abundant snags and logs. Removal would not meet DFC or purpose and need.
45	Retain all existing and capable spotted owl nesting-roosting-foraging (NRF) habitat ("No Take").	Modeled and dropped because it failed to move (or even nudge) the landscape towards a more resilient condition. Patch and edge densities moved further outside the natural range of variation. Patches of owl habitat remained highly connected and at high risk to fire.



IDT	Treat more marginally suitable spotted owl habitat.	Modeled and dropped. Too similar to the Revised Proposed Action.
1-11, 12, 14	Close open system roads instead of decommissioning.	Risk ratings were reviewed and IDT reconfirmed that target roads were not needed for long-term management. Some would require costly reconstruction to protect streams. They would still incur a cost (monitoring). Reconstruction and monitoring roads that are no longer needed would not meet Purpose and Need.
1	Convert more roads to system jeep trail, instead of closure or decommissioning	Most roads are disconnected from trails and would be costly to maintain as isolated jeep trail segments, and there's no budget to support expansion of the trail system.
45	Helicopter logging to reduce the need for temporary roads.	Prescription is to remove mostly small diameter trees and helicopter logging costs would be too high. The largest available trees must be retained to meet restoration objectives.

*\*Abbreviations in table: DFC = desired future condition; PWA = potential wilderness area; IRA = Inventoried Roadless Area; IDT = interdisciplinary team*

## PUBLIC INVOLVEMENT

The Interdisciplinary Team (IDT) involved the public early and often throughout the pre-NEPA and NEPA process. The IDT involved many individuals and private neighboring land owners, collaborative groups, county commissioners, county agencies and special interest groups. Numerous field trips and public meetings were held, and were well attended, throughout the life of the project. The Swauk Pine Restoration project was first listed on the Okanogan-Wenatchee Schedule of Proposed Actions on March 28, 2014. The project was also out for scoping on the same date and ended May 1, 2014. The Swauk Pine preliminary EA was released for public comment on March 11, 2016 on the Okanogan-Wenatchee National Forest website and was made available at public libraries throughout the county. Three open houses were held after the draft release, in Ellensburg, Cle Elum and Liberty. A summary of the comments received during the comment period can be found on page 21 of the EA. For specific individual comments on the draft EA and comment analysis, refer to Appendix D.

### *Collaborative Groups*

Three collaboratives have engaged in or been kept informed about the project since its inception in 2012. Prior to development of a proposed action, the Interdisciplinary Team met twice in the field with members of the Swauk Pine Collaborative Group. Non-Forest Service participants

included two pre-sale foresters with the Yakama Nation, a wildlife biologist with the Yakama Nation, three representatives from timber industry, Conservation Northwest, and National Marine Fisheries Service. Discussions focused on departure analysis, thinning prescriptions, economics, and strategies for completing aquatic restoration work, non-commercial treatments, and large wood and replenishment in degraded stream systems.

Other organizations received early updates about the project, including the Upper Yakima Watershed Action Group, Mid-Columbia Fisheries Enhancement Group, the Tapash Collaborative, and Kittitas Conservation Trust.

Field trips with collaborative groups occurred during the life of the project. Conservation groups, forest product representatives, and oversight agencies all attended these meetings. These meetings include:

In August of 2012, the first collaborative field meeting occurred, this was a pre-scoping field trip. Topics of discussion were aquatic restoration, spotted owl habitat, potential road decommissioning, harvest prescriptions, tree marking, and recreation trials.

In November of 2012, the collaborative visited the portion of the Swauk Pine project area that was affected by wildfires.

In July of 2014, a trip with the full collaborative occurred, where the group reviewed the desired future condition for the area and proposed treatment areas.

In August of 2015, the collaborative looked at completed tree marking in areas proposed for spotted owl prey based study thinning.

On October 20, 2016 the collaborative reviewed the proposed transportation system needed to access treatment stands.

### ***Consultation with American Indian Tribal Governments***

Letters describing the proposed action were mailed on March 27, 2014 to tribal governments of the Yakama Indian Nation and the Confederated Tribes of the Colville Indian Reservation. There was no response to the scoping letters.

### ***Consultations with Federal and State Agencies***

Pursuant to the Endangered Species Act, the District met early with the U.S. Fish and Wildlife Service (FWS) to discuss departures from historic conditions, the desired future landscape condition, the proposed action, LSR standards and guidelines, recovery needs for spotted owl, and updates to the environmental baseline for spotted owls due to the Table Mountain Wildfire of 2012. The District wildlife biologist at the time had several conversations with and provided numerous briefings to FWS during 2012-2014.

On June 27, 2013 a site visit was conducted with FWS to examine the current condition and discuss how the Forest Restoration Strategy and Northern Spotted Owl Revised Recovery plan may guide a path to a desired future condition.

A scoping notice was mailed to FWS on March 28, 2014, and FWS responded with written scoping comments.

The District fisheries biologist at the time, had several conversations and provided briefings on



the project, for National Marine Fisheries Service (NMFS) between 2012 -2014. NMFS participated in at least one field trip to the project area, during this time. A scoping notice was also sent on March 28, 2014 to NMFS, and NMFS responded with written scoping comments. A biologist with NMFS met in the field again with the District fisheries biologist, to review the Proposed Action.

On August, 23, 2016 a terrestrial site visit was conducted with FWS to examine northern spotted owl habitat variability.

On October 19, 2016 a terrestrial site visit was conducted with FWS to examine 4 specific stands identified for commercial thinning that were classified as northern spotted owl Nesting-Roosting habitat but not part of the prey base study. Two stands were found to lack Nesting-Roosting habitat. Two stands contained some Nesting-Roosting habitat and a decision was made to drop those stands from commercial thinning treatment.

During November of 2016, the Swauk Pine project was reviewed by the Regional Ecosystem Office (REO). This review is triggered by the Northwest Forest Plan which requires an REO review of large scale projects that modify vegetation in the LSR.

A pre-level 1 meeting was held January 26, 2017 with the IDT, FWS and NMFS. All aspects of the proposed actions were discussed and the services provided their comments and guidance in preparation for the mandatory formal level 1 consultation.

On Jan 11, 2018 shortly before the retirement of Karl Halupka (FWS Level 1) a meeting was held at the Wenatchee Supervisor's Office to discuss remaining terrestrial analysis.

The Regional Ecosystem Office- LSR working group, visited the Swauk Pine Project area on May 22, 2018 to see the area and discuss proposed treatments within the LSR in order to better understand how the project will reduce the risk of catastrophic wildfire.

Official concurrence from the Regional Ecosystem Office was received on June 22, 2018.

On October 9, 2018 an aquatic site visit was conducted with NMFS and FWS to familiarize further with the project. A riparian area was visited to discuss the proposed actions in the outer and inner portion of the Riparian Reserve, a swale was visited to discuss snowpack retention areas prescribed by the District Hydrologist, and aquatic restoration sites were visited to discuss those activities. NMFS suggested addressing all aquatic restoration activities with ARBO2 and focusing effects analysis in the BA on non-ARBO2 activities, which is how the current document has been reformatted.

On October 12, 2018 a terrestrial site visit was conducted with FWS to familiarize further with the project. A northern spotted owl nest site was visited to discuss habitat condition. Prey base study stands were visited to see marking prescriptions for different canopy cover targets. A level 1 review of the project was conducted on November 15, 2018 with FWS and NMFS.

Finalized Biological Assessments were submitted on December 19, 2018. Formal consultation

with USFWS and NMFS will be completed and a biological opinion will be issued prior to the signing of a Final Decision Notice. This decision will be modified if necessary to abide by the terms and conditions included within the Biological Opinion (B.O). If major issues emerge within the B.O, I may need to re-initiate the objection period, prior to signing the final decision.

**Table 2: ESA Consultation Coverage for Swauk Pine Restoration Project treatments**

Non-ARBO2 Consultation	ARBO2 Programmatic BO
Non-Commercial Thinning prescriptions: hand thinning, mastication, legacy tree protection, fencing aspen clones	Soil restoration
Commercial Thinning prescriptions	Culvert replacement
Prescribed Fire: piling and burning, under-burning	Modifying dispersed recreation sites
Road Maintenance/Reconstruction: surface blading, ditch cleaning, and road surface reconstruction	Riparian planting
Log Hauling: danger tree management along haul roads, use by haul trucks	Wood replenishment
Transportation: changing road maintenance levels (closing, opening, changing road to trail); building temporary roads; road decommissioning on haul roads completed by timber sale purchaser	Unauthorized road and trail decommission, effective road closures

### *Discussions with County Commissioners and County Agencies*

A scoping notice was sent on March 28, 2014 to Kittitas County Commissioners. Former District Rangers Judy Hallisey and Ranger Mary Maj met with County Commissioners in 2014 and 2015, respectively, to discuss proposed road closures.

In 2014, District Fire Management Officer Michael Starkovich met with a Rural County Fire Department to discuss proposed vegetation treatments, and the process used to identify roads proposed for closure.

## **FINDING OF NO SIGNIFICANT IMPACT**

As the responsible official, I have evaluated the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the Environmental Assessment and documentation included in the project record , and I have determined that the Swauk Pine Restoration Project, Alternative 2- Revised Proposed Action, is not a major federal action, individually or cumulatively, that will have a significant effect on the quality of the human environment. As a result, no environmental impact statement (EIS) is necessary. This determination is based on analysis of the context and intensity of the environmental effects, including the following factors, which are not in any particular order.

## Context

The context of the environmental effects is based on the environmental analysis in this EA. This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. The discussion of the Intensity Criteria that follows applies to the intended action and is within the context of local importance in the area associated with the Swauk Pine Restoration Project area.

## Intensity

Intensity is a measure of the severity, extent, or quantity of effects and is based on information from the effects analysis in this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27 (b).

The following discussion is organized around the 10 Intensity Factors described in NEPA regulations (40 CFR 1508.27).

**Factor 1)** *Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.*

A thorough effects analysis (direct, indirect, and cumulative) is in the EA in Chapter 3 (EA pages 64-203), in the individual resource reports, and the Biological Assessment for Fish and Wildlife Species (in the project files). The beneficial effects of the action do not bias my finding of no significant environmental effects, nor do the beneficial effects mask adverse effects.

**Factor 2)** *The degree to which the proposed action affects public health or safety.*

There are limited health and safety hazards to Forest Service employees, permittees, and the general public. None are unusual or unique. Recreationists, home owners, hikers, and permittees could encounter logging traffic or be exposed to smoke during burning. In accordance with the *Forest Hazardous Tree Policy*, some snags will be felled to meet safety concerns. Best management practices (EA pg 54), project design criteria (EA pg 55), monitoring plans (Appendix L) also address public health and safety. Altering the fuel profile will not stop fires, but it is intended to allow firefighters a higher probability of successfully attacking a wildland fire, thus improving firefighter and public safety.

Fire managers will plan the dispersal of smoke away from designated areas in accordance with the State of Washington air quality standards and Clean Air Act standards. In addition, real time monitoring will be performed during implementation such that ignition can be halted if smoke impacts become greater than is acceptable.

The impacts and benefits of the proposed actions are not significant; impacts are short term in nature, examples are smoke, dust, and increased road traffic during project implementation.

Implementation will include advance notice of closures (website, press releases, and postings), signing at appropriate locations, alternative route recommendations, notification of user groups, and timing activities outside of the season of highest recreational use.

There are no municipal watersheds that would be affected by the Swauk Pine Project.

This project is consistent with the Clean Water Act and Forest Service responsibilities under the Clean Water Act as described in a Memorandum of Understanding with the Oregon Department of Environmental Quality (2014) because it would not measurably increase watershed impacts, including stream temperature, over the existing condition (EA, pg 98-108).

The activities proposed have all been implemented on the National Forest repeatedly, and have not shown to have any long term negative effects on public health or safety.

**Factor 3)** *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

I find there will be no significant effects on unique characteristics such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There are no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas in the Swauk Pine project planning area.

Cultural resource surveys have been completed and the State Historic Preservation Office (SHPO) concurs with the findings in the cultural resources report (April, 2016). All cultural properties will be avoided during project implementation. If cultural sites are discovered during implementation, all work will stop in the immediate vicinity of the site. Work will not begin again until authorized by a Forest Service archaeologist.

There will be no significant effects on the unique characteristics of the area. Best management practices (EA pg 54), project design criteria (EA pg 55), monitoring plans (Appendix L) minimize possible effects to the scenic character, historic or cultural resources, and wetland and will limit or eliminate damage, or assure rehabilitation to the soil, water, and aquatic/riparian resource.

**Factor 4)** *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The nature of potential effects of forest management activities in this project is well established and not likely to be highly controversial in a scientific context. My decision falls within the scope of the analysis for the Okanogan-Wenatchee National Forest Land and Resource Management Plan (1990), as amended.

The proposed action consists of many activities typical of forest and watershed management activities that have previously been implemented on the Cle Elum Ranger District and the Okanogan-Wenatchee National Forest for decades. The prescriptions, tools, and techniques used, have not demonstrated long term negative effects to the environment or human health and have been guided and assessed using best available science. Written comments were received during the scoping period and preliminary EA comment period (Appendix D) and my team and I have addressed resource related comments. These comments did not satisfy the threshold for preparation of an Environmental Impact Statement (EIS).

**Factor 5)** *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The Forest Service has considerable experience with implementing the types of actions proposed. The effects analysis as well as science and monitoring shows the effects are not uncertain. Effects do not involve unique or unknown risk.

**Factor 6)** *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

My decision to implement the selected alternative (Alternative 2- Revised Proposed Action) in the Swauk Pine Restoration Project does not establish a precedent for future actions or represent a decision in principle about a future consideration. This project consists of site-specific resource management activities. Any additional future resource projects within or adjacent to the project will require a separate environmental analysis at that time. I have made this decision based on the overall consistency with forest plans and policy. Since all risk reduction projects require REO review, each subsequent project in the LSR will stand independently on its own merits. The Swauk Pine Restoration project does not set a precedent for future projects in LSR.

**Factor 7)** *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

I find the effects of the selected alternative combined with the effects of past, present, and reasonably foreseeable actions will not have significant cumulative effects. Cumulative impacts are addressed, by resource, in the Swauk Pine EA Chapter 3 (pg 64-203).

My review of the resource effects sections within the EA, finds the cumulative effects analyses have adequately considered the time and space of effects to each respective resource and all impacts will be contained within each applicable analysis area. The effects of implementing the selected alternative (Alternative 2- Revised Proposed Action) will not be significant, individually or cumulatively, when considered with the effects of other past and reasonably foreseeable future actions.

**Factor 8)** *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.*

I have determined the action will have no significant adverse effects on districts, sites, highways, structures, or objects in or eligible for listing in the National Register of Historic places. All applicable Land and Resource Management Plan Standards and Guidelines have been met through the inventory and evaluation of historic properties as required under the National Historic Preservation Act. A cultural survey was performed as part of the compliance process of Section 106 of that Act. The State of Washington Department of Archeology and Historic Preservation has reviewed the project and concurs with the Forest Service finding of: “A Determination of no Adverse Effect”, April, 2016.

Consultation occurred with the Confederated Tribes of the Colville Reservation and the Yakama Nation (March, 2014), no input was received.

**Factor 9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.***

The action complies with the Endangered Species Act (ESA) of 1973 for aquatic and wildlife species. The effects on endangered or threatened species and their habitats are discussed in the Biological Assessments and botany resource report with results summarized in the EA (Botany pg 132/Wildlife pg 154/ Fish pg 185).

The project analysis area contains habitat for fish species listed under the Endangered Species Act (ESA), Regional Forester's Sensitive Species, Management Indicator Species (MIS), and species for which Essential Fish Habitat (EFH) has been designated under the Magnuson-Stevens Fishery Conservation and Management Act.

The wildlife analysis provided a determination of "may affect likely to adversely affect for spotted owl critical habitat and may affect not likely to adversely spotted owl." (EA page 154) (Wildlife Biological Assessment).

This analysis provided a determination of "May Affect, Likely to Adversely Affect Middle Columbia River (MCR) Steelhead and their Designated Critical Habitat", "No Effect to Columbia River Bull Trout and their Designated Critical Habitat" and "Adverse Effects to Essential Fish Habitat for Chinook and Coho Salmon". (EA page 185) (Aquatic Wildlife Assessment)

There were no known Threatened, Endangered, Sensitive, Region 6 Regional Forester's Sensitive plant species, state listed botanical species, or critical plant habitat in the project area. One Category B Survey and Manage fungi, *Clavariadelphus ligula*, was found in the project area, and buffered for management. Pre-disturbance surveys were conducted for Category A and Category C Survey and Manage species with none found, and there were no other known sites for Category B, D, and E to manage. Pre-disturbance surveys and management of known sites were not required for Category F species.

Formal Consultation with NOAA-NMFS and FWS was initiated in November 15, 2018. Finalized Biological Assessments were submitted on December 19, 2018. A biological opinion will be issued and consultation will be completed prior to the signing of a Final Decision Notice. This decision will be modified if necessary to abide by the terms and conditions included within the Biological Opinion (B.O).

**Factor 10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.***

State air quality laws would not be violated, all burning is regulated through a smoke management database at the Washington Department of Natural Resources. All prescribed burning would be through the Washington Department of Natural Resources who maintain a smoke management database and regulate burning. Therefore, Alternative 2 - Revised Proposed Action would meet requirements of the Clean Air Act, and the Washington Clean Air Act.



## Conclusion

After considering the environmental effects described in the EA and specialist reports, I have determined that Alternative 2 - Revised Proposed Action will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The Selected Alternative complies with the following laws and regulations:

### *Forest Plan Consistency*

Actions analyzed in the Swauk Pine Restoration Project Final EA are consistent with a broad range of Forest Plan Standards and Guidelines that have been discussed and disclosed throughout the document. This decision to implement Alternative 2 - Revised Proposed Action is consistent with the intent of the forest plan's long term goals and objectives listed in section IV—41. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for Old Growth Forest Desired Future Conditions relevant to project activities] (Land and Resource Management Plan, pages IV-19-IV-20).

No management activities are planned in Administratively Withdrawn or Congressionally Withdrawn Areas.

### *Northwest Forest Plan Aquatic Conservation Strategy*

This project is consistent with the Aquatic Conservation Strategy (ACS) objectives (EA pg 105-108). The project will maintain all nine objectives of the ACS at the project and 5th field watershed levels. The project may involve some short term negative impacts but this will be offset by long term riparian area improvements, including stream aggradation and expansion of wetlands.

This project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage Protection buffer, and other Mitigation Measures Standards and Guidelines.

This project is consistent with the *Record of Decision for R6 Pacific Northwest Region Invasive Plant Program – Preventing and Managing Invasive Plants* (USDA Forest Service, 2005) provide this direction. All applicable prevention standards and guidelines from that document have been incorporated into the design criteria for the Swauk Pine Restoration Project, (EA pg 55).

### *National Forest Management Act (NFMA)*

This project improves forest health and habitat diversity which is consistent with the National Forest Management Act (NFMA) of 1976. This project does not propose any commitments of resources that are irretrievable or irreversible. No timber harvest is planned to occur on lands not suited for timber production. Timber harvest is planned to occur only on lands where soil, slope,

or other watershed conditions will not be irreversibly damaged. There is no clearcutting planned. Temporary roads constructed as part of this project will be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources. Temporary roads constructed in connection with this project will be designed with the goal of reestablishing vegetative cover on the road and in areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the timber sale contract.

#### *Roadless Area Conservation Rule*

This project was reviewed by the Regional Forester and was found to be consistent with the Roadless Area Conservation Rule (May, 2016). The project does not propose road construction or reconstruction in any Roadless Area; nor does the project propose the cutting, sale or removal of timber from any Inventoried Roadless Area (IRA). The Project entails non-commercial treatments in an Inventoried Roadless Area, for the purposes of ecological restoration. It would not affect unroaded character or eligibility for wilderness consideration. The project is consistent with the Roadless Conservation Rule.

#### *Migratory Bird Treaty Act and Executive Order 13186*

The project would restore open late successional forest structure dominated by large old ponderosa pine, a priority habitat for landbird conservation. Although fall burning is preferred, proposed spring burning may result in unintended take of ground-nesting landbirds. Any short-term impacts from spring burning on landbirds are outweighed by the benefits of proposed treatments (restoration of a priority habitat, restoration of dense patches of snags to the landscape, and reduced risk of uncharacteristic fire behavior likely to affect many more birds over a much larger area). Therefore, the project is consistent with the Migratory Bird Treaty Act and Executive Order 13186 for the Protection of Migratory Landbirds.

#### *Endangered Species Act*

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:
  - Wildlife: A Biological Assessment was prepared. This analysis provided a determination of “*may affect likely to adversely affect for spotted owl critical habitat and may affect not likely to adversely spotted owl.*” (E.A page 154) (Wildlife Biological Assessment)
  - Aquatic Organisms: A Biological Assessment was prepared. This analysis provided a determination of “*May Affect, Likely to Adversely Affect Middle Columbia River (MCR) Steelhead and their Designated Critical Habitat*”, “*No Effect to Columbia River Bull Trout and their Designated Critical Habitat*” and “*Adverse Effects to Essential Fish Habitat for Chinook and Coho Salmon*”. (E.A page 185) (Aquatic Wildlife Assessment)
  - Plants: Plant surveys were completed for the Swauk Pine Restoration project between June 2010 and September 2014 for Threatened, Endangered, Proposed, Candidate, and Sensitive species, or Strategic (TEPCS) species (Table 1.1 and 1.2)

in Botany Specialist Report). There were no known Threatened, Endangered, Sensitive, Region 6 Regional Forester's Sensitive plant species, state listed botanical species, or critical plant habitat in the project area. One Category B Survey and Manage fungi, *Clavariadelphus ligula*, was found in the project area, and buffered for management. Pre-disturbance surveys were conducted for Category A and Category C Survey and Manage species with none found, and there were no other known sites for Category B, D, and E to manage. Pre-disturbance surveys and management of known sites were not required for Category F species.

#### *Magnuson-Stevens Fishery Conservation and Management Act*

Essential fish habitat (EFH) for Chinook and Coho salmon exists in the project area. Through the mechanisms described in this project, as proposed, will result in adverse effects to Essential Fish Habitat. It is important to note, however, that the aquatic benefits of the project are expected to be greater and more enduring than the adverse effects. This project is consistent with the MSA direction.

#### *Clean Air Act (CAA)*

Proposed burning would produce emissions that potentially affect air quality outside of Class I airsheds, but the project has been designed to minimize air emission. Prescribed burns would be designed to minimize smoke accumulation in populated areas, and would comply with the Smoke Management Plan for Washington State, as administered by the Department of Natural Resources. Over the long-term, proposed treatments would reduce fuel loads in this Project Area, and restore the natural role of fire in this ecosystem. The risk of uncharacteristic wildlife (and future emissions) would be reduced. The project is consistent with the Clean Air

#### *Clean Water Act (CWA)*

Best Management Practices have been incorporated into project design to reduce risk of surface erosion and runoff from proposed logging and burning operations and road actions, including construction, use, and obliteration of temporary roads. The project is consistent with the Clean Water Act.

#### *American Indians and Alaska Native religious or cultural sites*

A government-to-government letter was sent to the Yakama Nation and the Confederated Tribes of the Colville Reservation on March 27, 2014, describing the proposed action and soliciting concerns and information regarding resources of interest to the tribes within the project area. No comments or concerns have been received by either government, to date.

#### *National Historic Preservation Act (NHPA), Alaska Native Religious Sites, and Cultural Sites*

The Forest Service completed field surveys for cultural resources in proposed treatment areas, and submitted its findings to the Washington State Historic Preservation Office (SHPO). With planned mitigations, no sites eligible for historic protection would be affected by the Swauk Pine Restoration Project. SHPO concurred with these findings in a letter dated, April 28, 2016.

#### *Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990), Municipal Watersheds*

The project design criteria and implementation of mitigation measures for Riparian Reserves will ensure compliance with EO 11988 Floodplain Management (11988, 1977), and EO 11990 Wetland Protection (11990, 1977). Proposed unit boundaries have been located to avoid floodplains and wetlands. Vegetation and fuels management prescriptions were developed which will not affect stream shading or ground cover levels within riparian floodplain or wetland areas. These actions will provide protection and reduce the risk of detrimental effects to riparian areas and wetlands (Environmental Assessment, Chapter 3; Page 3-xxx).

#### *Recreational Fishing (E.O. 12962)*

Recreational fishing is not an identified use in the analysis area though incidental amounts may occur. This project would not result in any appreciable reduction in the fish population numbers or otherwise negatively affect the fishing opportunity. This project is consistent with this Executive Order 12962.

#### *Social Groups, Civil Rights, and Environmental Justice (E.O. 12898)*

The Revised Proposed Action, as further refined by this Decision Notice, is consistent with Executive Order 12898. Civil rights would not be impacted by the Swauk Pine Restoration Project. The project would entail work by various contractors, as well as “force account” work by Forest Service employees. Under Executive Order 11246 companies with Federal, contracts or subcontracts are prohibited from job discrimination on the basis of race, color, religion, sex, or national origin. The US Department of Agriculture prohibits discrimination in its employment practices based on race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital and family status.

Executive Order 12898 (59 Fed. Reg. 7629, 1994) directs Federal agencies to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects on minority and low-income populations. The project would not affect low income or minority communities. Some contracts for this project may be offered under Small Business Administration authorities, which could result in positive employment benefits to the local community.

The proposed action would not have disparate effects on any consumers, minority groups, women, civil rights, or social/ethnic groups. All contracts would meet Equal Employment Opportunity requirements

## **ADMINISTRATIVE REVIEW OR OBJECTION OPPORTUNITIES**

On March 27, 2013, a final rule revising 36 CFR Part 218 was published in the Federal Register Volume 78, No. 59. The new rule replaces the previous appeal rules defined in 36 CFR 215, and expands the use of the pre-decisional objection process. The new rule provides the public an opportunity to comment and express concerns on projects before decisions are made, rather than after.

The Swauk Pine Restoration Project is a non-HFRA project that was subject to subparts A and B of 36CFR 218 regulations. This Decision is subject to administrative review (objection) pursuant to 36 CFR Part 218.

This draft Decision Notice and Final EA will be made available for a 45-day objection period under 36 CFR 218 subpart A through a legal notice in the Ellensburg *Daily Record* and *Northern Kittitas County Tribune* on published on February 11, 2019.

The 45-day objection period begins the day following publication of notice of opportunity to object in the Ellensburg Daily Record, the newspaper of record. Only individuals or organizations who submitted specific written or oral comments (36 CFR 218.2) during the designated opportunity for public participation (scoping or 30-day comment periods) may object (36 CFR 218.5). Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with the requirement for objection issues 36 CFR 218.8(c).

Minimum requirements of an objection are described in 36 CFR 218.8(d). An objection must include: a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and a statement that demonstrates the connection between prior specific written comments on the particular proposed project and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment. Incorporation of documents by reference is permitted only as provided for at 36 CFR 218.8(b). Objections can be submitted in several forms, but must be received by the Forest Supervisor, the Objection Deciding Officer, within 45 days from the date of publication of notice of objection in the Ellensburg Daily Record. The publication date in the Ellensburg Daily Record is the exclusive means for calculating the time to file an objection. Attachments to the objection received after the 45 day objection period will not be considered. Those wishing to object to this Draft Decision Notice should not rely upon dates or timeframe information provided by any other source. It is the responsibility of all individuals and organizations to ensure their objections are received in a timely manner as described in 36 CFR 218.9. For electronically mailed objections, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation or receipt. If the sender does not receive an automated electronic acknowledgement of the objection form the agency as confirmation, it is the senders' responsibility to ensure timely receipt by other means.

Objections may be submitted in the following ways: 1) **Electronic Submission:** Electronic objections will be accepted through the Forest Service online comment system available at <https://cara.ecosystem-management.org/Public/CommentInput?Project=44149>; 2) **Hand Delivered to:** Okanogan-Wenatchee National Forest, Forest Supervisors Office, 215 Melody Lane, Wenatchee, Washington 98801 between 8:00am and 4:30pm, Monday through Friday except legal holidays; 3) **Fax:** Objections may also be faxed to Forest Supervisor,

Attn: Objections, at 509-664-9280. or 4) **Mailed to:** Forest Supervisor, Objection Reviewing Officer, Okanogan-Wenatchee National Forest Attn: Appeals and Objection, 215 Melody Lane, Wenatchee, Washington 98801. Objections delivered by mail must be received before the close of the fifth business day after the objection filing period.

## IMPLEMENTATION DATE

Implementation may begin as early as practical upon signature of the Final Decision Notice and after the public is informed of my decision in accordance with 36 CFR 220.7 (c).

## CONTACT

For additional information concerning this decision, contact: John Agar, Swauk Pine Team Leader, Cle Elum Ranger District, 803 W 2<sup>nd</sup> St, Cle Elum, WA 98922, (509)-852-1061.

The responsible official is Michelle Capp, Cle Elum District Ranger, 803 W. 2<sup>nd</sup> St, Cle Elum, WA 98922, (509)-852-1020.

The Environmental Assessment and supporting documents are available for inspection online at:

<https://www.fs.usda.gov/project/?project=44149>

The Environmental Assessment and supporting documents are available for inspection during regular business hours (Monday- Friday, 8:00 a.m. to 4:30 p.m.) at the Cle Elum Ranger District office. Please call ahead to schedule an appointment.

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Michelle Capp

Date

District Ranger

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